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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 6th May, 1983:— Short title and commencement.

BILL No. 15 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1983.

(2) It shall come into force at once.

2. In article 324 of the Constitution,—

(*a*) in clause (1), after the words "under this Constitution", the words "and all elections to panchayats and other local bodies held under any law for the time being in force," shall be inserted; amendment of article 324.

(*b*) in clause (4), –

(*i*) after the words "each State", the words "and to panchayats and other local bodies," shall be inserted;

(*ii*) after the words "Regional Commissioners" the words "and State Commissioners", shall be inserted;

(c) in clause (5),—

(i) after the words "Regional Commissioners", the words "and the State Commissioners" shall be inserted;

(ii) in the second proviso, after the words "Regional Commissioner", the words "or a State Commissioner" shall be inserted;

(d) in clause (6), after the words "Regional Commissioner", the words "a State Commissioner" shall be inserted.

Amendment of article 325.

3. In article 325 of the Constitution, after the words "Legislature of" a State", the words "or to a panchayat or other local body" shall be inserted.

Amendment of article 326.

4. In article 326 of the Constitution, after the words "every State", the words "and to a panchayat or other local body" shall be inserted.

Amendment of article 328.

5. In article 328 of the Constitution,—

(i) after the words "the State", the words "or panchayats or other local bodies falling within the territorial jurisdiction of the State" shall be inserted;

(ii) the words "or panchayats or local bodies" shall be inserted in the end.

Insertion of article 329A.

6. After article 329 of the Constitution, the following article shall be inserted, namely:

"329A. It shall be the duty of the Election Commission to hold elections to panchayats and other local bodies and the Government shall ensure that panchayats and other local bodies shall not be in non-existence for more than a period of three months unless the Election Commission by a notification otherwise declares assigning the reasons therefor.".

Amendment of Seventh Schedule.

7. In the Seventh Schedule to the Constitution,—

(i) in List I—Union List, after entry 72, the following entry shall be inserted, namely:—

"72A. Elections to local self-government, that is, to municipal corporations, improvement trusts, district boards and panchayats.";

(ii) in List II—State List, in entry 5, the words "subject to the powers of the Election Commission in regard to election to such bodies," shall be inserted at the end.

STATEMENT OF OBJECTS AND REASONS

Of late, some of the State Governments have not held elections to Panchayats, District Boards and to other local bodies for quite a long time after the expiry of the prescribed term of such bodies or after they were superseded/dissolved by the State Governments. This state of affairs not only has the dislocating effect on the administrative set-up of such local bodies but also robs the local people of their right to manage their own local affairs. The suspension of this right encourages bureaucratic interference in the local matters without leaving any effective remedy in the hands of the people. Further, very often elections to local bodies are not conducted in fair manner. In order to ensure fair elections and also a sort of continuity of the elected bodies, it is necessary that the Election Commission be empowered to hold under its supervision elections to such local bodies without any loss of time.

Hence this Bill.

NEW DELHI;
October 13, 1982.

K. RAMAMURTHY.

FINANCIAL MEMORANDUM

Clause 2(a) of the Bill provides that superintendence, direction and control for the preparation of the electoral rolls for, and the conduct of all elections to, panchayats and other local bodies shall be vested in the Election Commission. Clause 2(b)(ii) provides for the appointment of State Commissioners, Clause 2(d) provides for staff to the State Commissioners. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees ten lakhs annually from the Consolidated Fund of India. A non-recurring expenditure of about rupees two lakhs is also likely to be incurred.

BILL NO. 2 OF 1983

A Bill further to amend the Indian Penal Code, 1860.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 1983. Short title.

45 of 1860.

2. Section 309 of the Indian Penal Code, 1860 shall be omitted. Omission of section 309.

3. Any prosecution, trial, inquiry or investigation pending in respect of an offence under section 309 of the Indian Penal Code shall cease and stand terminated. Cessation of pending trials, etc.

STATEMENT OF OBJECTS AND REASONS

Section 309 of the Indian Penal Code provides punishment for attempts to commit suicide, whereas the person who actually commits the 'offence', that is suicide, is beyond the reach of the law.

Only those persons who are facing starvation and a slow death, or are otherwise in the grip of dire economic necessity or are labouring under intolerable mental or emotional strain leading to depression and frustration resulting in detachment from normal life, attempt to commit suicide. It is undesirable and improper to penalise such persons. They should, on the contrary, be sent to a reformatory or a correctional house, or given economic or financial assistance, or provided mental or psychiatric treatment.

The legal framework of the country in respect of suicides must be reoriented so that people who commit 'suicides' are regarded as sick persons rather than criminals. Attempted suicide is a crime in India but in most advanced countries attempted suicide is not regarded as a crime in the eyes of law.

It is accordingly proposed to amend the Indian Penal Code so as to make any attempt to commit suicide not a penal offence.

NEW DELHI;
January 18, 1983.

MOOL CHAND DAGA

BILL No. 8 OF 1983

A Bill to provide for civil and criminal immunity to physicians and surgeons withdrawing life sustaining treatment from patients suffering from terminal illness and certain categories of newly-born infants.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows: —

1. (1) This Act may be called the Protection of Physicians and Surgeons (Civil and Criminal Immunity) Act, 1983. **Short title and commencement.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,— **Definitions.**

(a) "maintenance medical treatment" means artificial means or measures administered as medical or surgical treatment designed solely to sustain the life processes where there is no reasonable chance of recovery;

(b) "patient" means a person treated by a physician or surgeon for any illness, ailment, sickness that requires medical or surgical aid;

(c) "petitioner" means any person authorised by this Act to make a petition to the court for relief;

(d) "physician" and "surgeon" mean a person authorised to practise medicine or surgery respectively by or under the provisions of the Indian Medical Council Act, 1956 or any other law for the time being in force; 102 of 1956.

(e) "terminal illness" or "terminal injury" means any illness or injury which will in all probability result in the expiration of life, regardless of the use or discontinuance of medical or surgical treatment.

Withdrawal of maintenance medical treatment and exemption from Civil or Criminal liability.

3. (1) Where a patient of sound mind suffering from a terminal illness or terminal injury calls upon his physician or surgeon, in writing, to withdraw maintenance medical treatment, the physician or surgeon may comply with such request of the patient provided the physician or surgeon is satisfied that the patient is suffering from a terminal illness or a terminal injury.

(2) Notwithstanding anything contained in any other law for the time being in force, where such physician or surgeon withdraws maintenance medical treatment under sub-section (1), he or she shall be free from any civil or criminal liability whatsoever.

Declaration for withwithdrawal of maintenance medical treatment.

4. Any person of sound mind shall be entitled to make a declaration and give a power of attorney in the forms prescribed under this Act and duty executed by such person expressing the desire that, if at any time in the future he or she were to suffer from a terminal illness or terminal injury and be unable to express himself or herself, the maintenance medical treatment being given to him or her may be withdrawn and the wish embodied in the declaration and power of attorney shall be given effect to by his physician or surgeon and the members of his family; and in such circumstances the physician or surgeon complying with the request made in the aforesaid declaration and power of attorney shall be free from any civil or criminal liability whatsoever.

Petition for withdrawal of maintenance medical treatment.

5. Where a physician or a surgeon in a hospital or an institution fails to give effect to the request of the patient, in the circumstances specified in sub-section (1) of section 3 that maintenance medical treatment may be withdrawn, the patient may file a petition in a District Court or in a court exercising similar jurisdiction in the form prescribed under this Act against such physician or surgeon praying for his wish to be carried out or for discharge from that hospital or institution and the Court shall give such relief to the petitioner as the Court may think fit.

Petition by executors of patient

6. Where a physician or a surgeon fails to respond to the wishes of his patient as expressed in the declaration and power of attorney made earlier by the patient under section 4, the executors of the patient may file a petition in the form prescribed under this Act in a District Court or in a court exercising similar jurisdiction against the physician or surgeon praying that the wishes of the patient as expressed in the declaration and the power of attorney be given effect to and the Court shall give such relief to the petitioner as the Court may think fit.

Withdrawal of treatment in case of infants.

7. Where a newly-born infant suffers from *spina bifida* or Dawn's Syndrome or some other infirmity or incapacity and the parents of the child are of the view that the quality of life available to the child as it grows up will not be such as to make life worth living and that maintenance medical treatment should therefore be withdrawn, the physician or surgeon may, if he or she concurs in the parents' view, withdraw such treatment and in such a case the parent or the physician or surgeon shall be free from any civil or criminal liability.

Power to make rules.

8. (*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(*2*) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule shall not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Thousands of people in this country are suffering from 'terminal illness' which will in all probability result in the expiration of life, there being either no cure of the disease at all or the treatment being not available in India. Such people wish to bring a dignified end to their miserable and pitiable existence—a burden to themselves and to the society—but are unable to do so for fear of attracting penalty at the hands of law.

To relieve such persons of their agony and suffering, the proposed legislation is desirable.

NEW DELHI;
January 18, 1983.

MOOL CHAND DAGA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules to carry out the purposes of the Bill. Since the rules will relate to matters of administrative detail only and prescribing of various forms, such as, the form of declaration and power of attorney under clause 4, form of petition under clause 5, etc., the delegation of legislative power is of a normal character.

BILL No. 22 OF 1983

A Bill further to amend the Agriculturists' Loans Act, 1884

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Agriculturists' Loans (Amendment) Act, 1983.

Amendment of section 4.

2. In section 4 of the Agriculturists' Loans Act, 1884, after sub-section (1), the following sub-section shall be inserted, namely:— 12 of 1884.

"(1A) The rules may also provide so as to enable the farmers to obtain loans from any of the scheduled banks in India."

STATEMENT OF OBJECTS AND REASONS

There are so many agencies for providing loans to farmers but nowhere farmer gets loan quickly. He might be given a pass book in which his capacity to take loans be kept up-to-date and scheduled banks may be authorised to give loans to such farmers according to their capacity. The State Governments may realise the loans from defaulter farmers as arrears of land revenue. Reserve Bank charges a very low rate of interest for loans taken by banks for advancing to farmers and farmers pay higher rate of interest. This will foster healthy competition among the scheduled banks for giving loans to farmers. Farmers will get loans according to their capacity quickly and without giving bribe. This will also effect economy in the administrative department of the Government.

NEW DELHI;
January 27, 1983.

MADHU DANDAVATE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to empower the State Governments to frame rules so as to provide for a convenient and speedy procedure for farmers to get loans from the Banks. The existing procedure is very cumbersome with the result that the farmers have to waste a lot of time and energy to complete the formalities before they can get loans. The method of recovery of loans is also not satisfactory. The detailed procedure convenient to the farmers may be prescribed in the rules.

The delegation of legislative power is of a normal character.

BILL NO. 18 OF 1983

A *Bill further to amend the Prevention of Corruption Act, 1947.*

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Prevention of Corruption (Amendment) Act, 1983.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Omission of section 6.

2 of 1947.

2. Section 6 of the Prevention of Corruption Act, 1947 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The Prevention of Corruption Act, 1947 is meant to prevent corruption among the public servants but section 6 of the Act creates many hindrances in prosecuting the public servants and stands as a stumbling block in the path of justice. It is accordingly proposed to amend the Act by repealing this section.

Hence this Bill.

NEW DELHI;
January 27, 1983.

MADHU DANDAVATE

BILL NO. 32 OF 1983

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Representation of the People (Amendment) Act, 1983.

Omission of section 9A.

43 of 1951.

2. Section 9A of the Representation of the People Act, 1951 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Section 9A of the Representation of the People Act, 1951, prohibits a person having a contract with the Government from contesting an election for the membership of a Legislature. This disqualification was introduced in 1951. At that time, this disqualification existed in other legal systems of the world also. It has now been recognised that it is not in keeping with the democratic principles to keep a section of the society out of the legislative bodies, simply because they have contractual relations with the Government. The notion that after becoming a member of a Legislature a contractor will try to influence the Government has proved wrong. Therefore, this disqualification has been abolished in other countries also.

It is, therefore, desirable that this undesirable disqualification is removed.

Hence this Bill.

NEW DELHI;
February 21, 1983.

MOOL CHAND DAGA

BILL NO. 36 OF 1983

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1983. Short title and commencement.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Seventh Schedule to the Constitution, in List-I—Union List, for entry 56, the following entry shall be substituted, namely:— Amendment of Seventh Schedule.

"56. Regulation and development of inter-State rivers and river valleys."

STATEMENT OF OBJECTS AND REASONS

Under the existing entry 56 of the Union List in Seventh Schedule to the Constitution, the Union is empowered to develop and regulate the inter-State rivers and river valleys to extent the Parliament declares by law that such regulation and development by the Union Government is expedient in the public interest. The experience has shown that many inter-State rivers and river valleys could not be developed for long due to reluctance on the part of the States concerned to come to an agreement about the sharing of benefits as well as the expenditure incurred on such development. Even today a number of inter-State rivers and river valleys have not been developed with the result that the water flowing in such rivers goes waste.

It is, therefore, necessary that the Union Government should be final arbiter in the matter of regulation and development of such rivers and river valleys.

Hence this Bill.

NEW DELHI;
February, 23, 1983.

K. RAMAMURTHY

BILL No. 44 OF 1983

A Bill further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India, as follows:—

Short title and commencement.

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1983

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 16.

43 of 1950

2. In section 16 of the Representation of the People Act, 1950 (hereinafter referred to as the principal Act), in sub-section (*1*), after clause (*c*), the following clause shall be inserted, namely:—

"(*d*) does not vote at an election in the constituency in which he is enrolled for the time being.".

Insertion of new sections 16A and 16B.

3. After section 16 of the principal Act, the following sections shall be inserted, namely:—

Removal of disqualification for not voting.

"16A. A person who stands disqualified under clause (*d*) of sub-section (*1*) of section 16, shall submit an affidavit before a first class Magistrate having jurisdiction over the area in which he normally resides, explaining the circumstances in which he could not vote and if the Magistrate is satisfied, he shall issue an order removing the disqualification so incurred.

Punishment for not voting at an election.

16B. A person, who incurs disqualification under clause (*d*) of sub-section (*1*) of section 16 and whose disqualification is not removed under section 16A, shall be punishable with fine which may extend to rupees one thousand or with imprisonment for thirty days.".

STATEMENT OF OBJECTS AND REASONS

It has been observed that a large number of persons whose names are entered in the voters' list do not vote in elections to Parliament or State Assemblies. This state of affairs does not reflect the true operation of democratic spirit. Because of the apathy of the people, very often unscrupulous candidates get elected with small number of their "pocket votes".

In order to prompt the large number of people not to abstain from voting, some element of compulsion has to be introduced in the law.

Hence this Bill.

NEW DELHI; K. RAMAMURTHY

March 15, 1983.

BILL No. 59 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Amendment) Act, 1983.

(*2*) It shall come into force at once.

Amendment of article 155.

2. In article 155 of the Constitution, for the words "appointed by the President by warrant under his hand and seal", the words "elected by the people of the State, in the same manner as the members of the Legislative Assembly of the State are elected," shall be substituted.

Amendment of article 156.

3. In article 156 of the Constitution, in clause (*1*), for the word "President", the words "Legislative Assembly of the State" shall be substituted.

4. In article 160 of the Constitution, after the word "President", the words ", in consultation with the Legislative Assembly or the Council of Ministers of the State," shall be inserted. Amendment of article 160.

5. In article 161 of the Constitution, the following words shall be inserted at the end, namely:— Amendment of article 161.

"but shall not have the power to dismiss a Government formed by the elected representatives of the people of the State".

STATEMENT OF OBJECTS AND REASONS

The office of the Governor is of immense importance as the Constitution casts upon the Governor the responsibilities of preserving, protecting and defending the Constitution and the Law. During the term of his office, the Governor is mainly concerned with the affairs of the State in which he is to function as Governor. It is, therefore, in the fitness of the things that the post of Governor is made an elected one instead of a selected one. As the Governor is mainly concerned with the State in which he is functioning, he should be answerable to the State Assembly and the State Government. In the same way, all the functions of the Governor should be framed in consultation with the State Assembly/ Government, so that he can effectively function in the best interests of the State concerned. He may be required to give a report to the State Assembly and a copy of which may be forwarded to the President for his information and record, incorporating his views about the goings in the State. In the absence of all these provisions in the Constitution, the institution of Governor is subjected to numerous misunderstandings and irritations between the Centre and the State. The Bill seeks to remove all these irritants.

Hence this Bill.

NEW DELHI;
March 31, 1983.

M. M. LAWRENCE

BILL No. 52 OF 1983

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1983. Short title.

2. In article 19 of the Constitution, in clause (*1*), after the clause (*g*), the following clauses shall be inserted, namely:— Amendment of article 19.

"(*h*) **to get employment according to their need and qualifications or to unemployment allowance till they get employment;**

(*i*) **to get educational facilities till they want to pursue their education.**"

STATEMENT OF OBJECTS AND REASONS

Democracy without universal facility for education followed by total guarantee for employment and in the absence of employment a guarantee for unemployment allowance is a farce. Hence, right to work, education and unemployment allowance when unemployed should be a part and parcel of the fundamental rights of the citizens of the country. Any talk of liberty, freedom and democracy is an insult to those who do not have an opportunity to read and who do not get employment after their educations. Hence the Bill seeks to make the rights to education and employment as fundamental rights of the citizens.

NEW DELHI;
March 31, 1983.

M. M. LAWRENCE

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for right to employment or unemployment allowance till the citizens get employment and right to educational facilities. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten crores per annum.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred.

BILL No. 55 OF 1983

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1983.

Amendment of article 31B.

2. Article 31B of the Constitution shall be re-numbered as clause (*1*) thereof and after clause (*1*) as so re-numbered, the following clause shall be inserted, namely:—

"(*2*) All laws made by Parliament or the Legislature of a State for and in relation to land reforms or acquisition of land for imparting social and economic justice to the weaker sections of the society **including agriculturists shall be included in the Ninth Schedule.**".

STATEMENT OF OBJECTS AND REASONS

Socialism and democracy have been made the basic objectives of our system in the Constitution. But the process of achieving the goal is rather slow nay blunted because everytime legislation for social and economic justice like land reforms and land acquisition is struck down by the Judiciary as *ultra-vires* of the Constitution. Article 31B already provides for validation of Acts and Regulations included in the Ninth Schedule and protects these Acts from any kind of judicial probe. But this protection has often not been extended to legislation relating to land reforms or land acquisition meant for social and economic justice. The proposed amendment provides for compulsory inclusion of all such legislation in the Ninth Schedule in order to ensure that the basic objectives of our system, as enshrined in the Constitution are achieved.

Hence this Bill.

NEW DELHI;
March 31, 1983.

M. M. LAWRENCE

BILL No. 56 OF 1983

A Bill to provide for the prevention of hoarding of and profiteering in essential commodities by the dealers.

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and application.

1. (*1*) This Act may be called the Anti-Hoarding and Profiteering Act, 1983.

(*2*) It extends to the whole of India.

(*3*) It shall apply to the articles specified in the Schedule.

Definitions.

2. In this Act, unless the context otherwise requires:—

(*a*) "dealer" means any person carrying on the business of selling any scheduled article, and includes a producer, importer, dealer, wholesaler or retailer;

(*b*) "hoarding" means storing of essential commodities and other scheduled items with a view to cornering them in order to create an artificial scarcity in that commodity and then releasing the commodity in the market in order to reap rich profit;

(c) "importer" means any person who brings any scheduled article into the State, where he operates, from outside the State for the purpose of sale in his State.

(d) "Producer" means a person engaged in the production, manufacture or processing of any scheduled article;

(e) "profiteering" means the sale of any scheduled article at a price or rate much higher than that fixed by the Government under section 3;

(f) "retailer" means a dealer who sells any scheduled article to a consumer, who buys the same for consumption and not for resale;

(g) "scheduled article" means an article specified in the Schedule;

(h) "wholesaler" means a dealer, who sells any scheduled article to another dealer or broker or commission agent or any other such dealer having authority to sell any scheduled article or otherwise and not to a consumer.

Fixation of maximum or minimum prices or rates for scheduled articles.

3. (1) The Central Government, by notification in the Official Gazette, shall fix in respect of any scheduled article the maximum price or rate which may be charged by a dealer or the minimum price to be paid by a purchaser.

(2) The sale and purchase price of the scheduled article shall be determined after taking into consideration all aspects of production of the said item including input costs, profit margin for the producer, as well as, for the dealer till the scheduled article reaches the ultimate consumer.

(3) The maximum price or rate or the minimum price to be paid by the purchaser for the scheduled article may differ in different localities, based on the distance of the said locality from the production centre of the scheduled article.

Penalty for profiteering

4. (1) Any dealer who profiteers in any scheduled article shall be punishable with rigorous imprisonment which may extend to fifteen years or with fine amounting to not less than twenty thousand rupees or with both alongwith the confiscation of the said scheduled article at his disposal.

(2) Any dealer, convicted under sub-section (1), shall cease to enjoy civil rights for ten years from the date of his conviction or from the date of his release from jail, whichever is later.

Penalty for hoarding

5. (1) Any dealer found deliberately hoarding any scheduled article shall be punished with rigorous imprisonment which may extend to fifteen years or with fine amounting to not less than twenty-five thousand rupees or with both.

(2) Any dealer convicted under sub-section (1), shall cease to enjoy civil rights for ten years from the date of his conviction or from the date of his release from jail, whichever is later.

Penalty for refusal to sell at fixed price.

6. (*1*) Any dealer who refuses to sell any scheduled article or sells any scheduled article at a price or rate higher than the price or rate fixed under sub-section (*1*) of section 3, shall be punished with rigorous imprisonment which may extend to fifteen years or with fine amounting to not less than twenty thousand rupees or with both.

(*2*) Any dealer convicted under sub-section (*1*), shall cease to enjoy civil rights for ten years from the date of his conviction or from the date of his release from jail, whichever is later.

7. (*1*) Any dealer dealing in scheduled articles shall maintain true account of his purchase and sale of the scheduled articles, display his stock position at a prominent place, and keep proper vouchers of sale and purchase and similar other papers.

(*2*) The documents and other papers connected with the dealing in any scheduled article shall be made available for on the spot inspection by the authorised person or persons at any time by the dealer dealing in such scheduled articles.

Constitution of Committees.

8. The Central Government shall constitute Committees consisting of local officials and citizens' representatives for supervisory as well as for regulatory purposes for the proper distribution of scheduled articles.

Bail applications or writ petitions of accused not to be entertained.

9. No Court shall entertain any bail application or Writ petition filed by or on behalf of any person accused of violation of the provisions of this Act.

Power to add to the Schedule.

10. The Central Government may by notification in the Official Gazette, add to the Schedule any other article of daily use, as and when the occasion arises.

Act to apply to officials of state agencies.

11. The provisions of this Act shall also be applicable to the officials of the State owned agencies dealing with the scheduled articles.

Power to make rules.

12. The Central Government, by notification in the Official Gazette, may make rules for carrying out the purposes of this Act.

THE SCHEDULE

[*See* section 1, section 2(*g*) and section 10]

1. Rice and rice in the husk
2. Wheat and wheat products
3. Pulses
4. Spices
5. Edible oil
6. Sugar
7. Baby food
8. Paper
9. Drugs and medicines
10. Skimmed milk powder
11. Kerosene
12. Soda Ash
13. Cement
14. Steel
15. Coal, Petrol and Diesel
16. Cotton cloth.

STATEMENT OF OBJECTS AND REASONS

The businessmen practise hoarding and profiteering as a part of their class character. Without this the class as such cannot survive for long. They exploit the miseries of the people with the connivance of the officials of the Government. They simply do not bother about the law of demand and supply. Maximum profit with the minimum investment is the law of this class; what happens to the people is not their concern. In fact they thrive at the cost of the common man. They do not maintain any fixed price, what to think of price based upon the cost of input and reasonable profit. In order to overcome these mal-practices this Bill is a modest attempt.

NEW DELHI;
March 31, 1983.

M. M. LAWRENCE

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for the constitution of Committees for supervising and regulating the distribution of scheduled articles. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 66 OF 1983

A Bill further to amend the Indian Contract Act, 1872.

BE it enacted by Parliament in the Thirty-fourth year of the republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Contract (Amendment) Act, 1983.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of section 72.

9 of 1872.

2. For section 72 of the Indian Contract Act, 1872, the following section shall be substituted, namely:—

Liability of person to whom money is paid, or thing delivered, by mistake or under coercion.

"72. A person to whom money has been paid, or anything delivered, by mistake of fact or under coercion, must repay or return it:

Provided that nothing in this section shall apply to any amount paid or recovered as a tax, duty, fee or cess or paid or recovered or purportedly paid or recovered under any law relating to any tax, duty, fee or cess.".

STATEMENT OF OBJECTS AND REASONS

Section 72 of the Indian Contract Act, 1972, *inter alia* provides that a person to whom money is paid by mistake must repay the same. In the year 1959, in the case of Sales Tax Officer V. Kanhaiya Lal Makund Lal Saraf (AIR 1959 SC p. 135) Supreme Court held that word "mistake" occurring in section 72 of the Contract Act was wide enough to cover a mistake of law also.

Relying on the decisions of Supreme Court, Calico Mills in Gujarat claimed refund of excise duty paid "under mistake of law" on synthetic yarn. It was not in dispute that the Company had collected the entire amount of excise duty so paid from the consumers of the goods. The Gujarat High Court in the year 1978 or 1979 ordered the Central Government to refund the amount of more than two crores of rupees to Calico Mills. Thereafter number of textile manufacturing companies filed Civil Suits in lower Courts and succeeded in getting the decrees in their favour directing the Government to make refund of amount twenty crores of rupees. In all these matters, it was nobody's case that none of these manufacturing companies had itself to bear the burden of excise duty of even one rupee. Entire burden of excise duty was passed by these companies on to the consumers. They were mere intermediaries and yet they were benefited for committing a mistake of law. The consumers who suffered the burden of duty get nothing in return.

However, the Supreme Court took a different view on 29 October 1974 while deciding the case of D. Cawasji & Co., etc. V. State of Mysore and Another (reported in AIR 1975 SC p. 813) and realised the consequences of their earlier view of the word, "mistake" occurring in section 72 of the Contract Act and visualised the possibility that even after several years of the date of payment of tax, if the law under which the tax was paid is declared invalid, a person may come to Court and pray for refund of the tax and the Court would not be in a position to deny the refund of tax. This situation was considered by the Supreme Court, both incxpedient and unjust so far as the State was concerned. This was considered to be a serious lacuna in our laws but the Supreme Court threw the entire burden on the Legislatures stating that the task of passing legislation to protect the interests of the nation is committed to Parliament and the Legislatures of the States.

Despite the alert given by the Supreme Court, as far back as on 29 October 1974, when the aforesaid case was decided, nothing has been done so far to prevent the mischief. Result is, that thousands of crores of rupees are held up by actions in the Courts. The refund of such amount of tax to intermediaries on account of the fact that the same was collected under a mistake of law is nothing but an euphemism for the phrase, "systematic legal robbery."

The suggested amendment of the Indian Contract Act, 1872 seeks to achieve the following objects, namely:—

(i) to remove mistake of law from the purview of section 72 of the Indian Contract Act, 1872;

(ii) to provide that amounts collected or purportedly collected as tax, duty, fee or cess will not be covered by section 72 of the said Act;

(iii) to avoid uncertainties in the finances of the Union and the State Governments inasmuch as after the protracted litigation if the Union or State Government is required to refund the huge amount collected by them by taxes etc., it would upset the public finance;

(iv) to prevent unjust enrichment of manufacturers and traders who collect the taxes and pass the burden of the same on to the consumers; and

(v) to avoid unnecessary litigation in Courts which has become a source of profit to manufacturers and traders.

Hence this Bill.

NEW DELHI;
April 4, 1983.

NAVIN RAVANI

BILL No. 51 OF 1983

A Bill to repeal the Police Act, 1861.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Police (Repeal) Act, 1983.

Repeal of Act 5 of 1861.

2. The Police Act, 1861 is hereby repealed.

STATEMENT OF OBJECTS AND REASONS

The Police Act, 1861 was enacted by the imperialist rulers of our country, the primary objective being to put down any struggle for freedom and other democratic reforms.

India has attained freedom and set new goals for ushering in radical transformation in socio-economic structure.

The Police Act, 1861, which is still in force, is an anachronism viewed in this background.

The Police Commission has also recommended for the enactment of a new law in keeping with the new socio-economic objectives.

The repeal of the Act is, therefore, urgently called for.

Hence this Bill.

NEW DELHI;
April 3, 1983.

CHITTA BASU

BILL No. 64 OF 1983

A Bill to provide for the scrutiny by Parliament of the loans taken by private companies from public financial institutions.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Scrutiny by Parliament of Private Companies Loans Act, 1983.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Financial institutions to exercise control over borrowing by private companies whose reports to be laid before Parliament.

2. The scheduled banks and financial institutions, like the Industrial Development Bank of India and the Industrial Finance Corporation of India, granting loans to private companies shall,—

(*a*) carry out periodical inspection of the business units of the borrowing companies;

(*b*) require the borrowing companies to submit their annual reports as well as their audited accounts to the scheduled bank or financial institution;

(*c*) cause the annual reports and audited accounts of borrowing companies to be laid on the Table of each House of Parliament to enable Parliament to scrutinize their reports and accounts.

3. The Central Government shall frame rules for carrying out the purposes of this Act. Power to frame rules.

STATEMENT OF OBJECTS AND REASONS

Besides the scheduled banks, the financial institutions, like the Industrial Development Bank of India and the Industrial Finance Corporation of India advance loans to private companies to assist them in their respective operations. The loans are advanced to private companies with the idea that they promote public policies and engage themselves in developmental activities. It is expected that their financial discipline is sound and that they should not engage themselves in speculative activities.

There are, however, widespread reports about several private companies taking loans from the financial institutions and engaging themselves in speculative activities and misusing the loan assistance provided to them.

The Bill provides for a strict scrutiny of the operations of such private companies and for the laying of the annual audited accounts and reports of such companies on the Table of each House of Parliament. This will enable Parliament to scrutinise the genuineness of the operations and the accounts of those companies.

Hence this Bill.

NEW DELHI;
April 4, 1983.

K. LAKKAPPA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Act. The delegation of legislative power is of a normal character.

BILL NO. 54 OF 1983

A Bill to provide for monetary relief to indigent persons

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Provision of Relief to Indigent Persons Act, 1983.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Relief to indigent persons.

2. (*1*) The Government shall pay rupees one hundred and fifty per month as relief to the following categories of indigent persons:—

(*i*) a physically handicapped person who can not find employment in any useful vocation;

(*ii*) a blind person;

(*iii*) an artist in old age who cannot pursue his art; and

(*iv*) any person above the age of sixty years who is physically incapable of doing any work or is suffering from an incurable disease and who has nobody to support him.

(2) The amount of relief mentioned in sub-section (1) shall be subject to alteration on the basis of cost of living index.

Person already getting financial help from other sources not to get relief, under this Act.

3. The relief specified in section 2 shall not be granted to any person who is already getting financial help from any other source to sustain himself.

Social Welfare bodies to disburse relief.

4. The Government shall place at the disposal of the Central and State Social Welfare Boards adequate funds for granting relief to persons specified in section 2.

Application for getting relief.

5. The indigent persons, specified in section 2, shall make application in the prescribed form to the Welfare Boards specified in section 4 for the grant of relief.

Power to make rules.

6. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are lakhs of people all over the country in indigent circumstances. With the gradual break-up of the joint family system in the country large numbers of persons above the age of 60 years who are physically incapable of doing any work or who are suffering from incurable diseases find nobody to support them and are in distress. There are other categories of persons who are similarly in a helpless condition like physically handicapped persons, blind persons and artists in old age who cannot pursue their art. There are no doubt certain organizations who dole out relief to such persons but they only touch the fringe of the problem. The Government should, therefore, come out in a big way to undertake the social welfare measure of taking care of all persons in indigent circumstances.

Hence this Bill.

NEW DELHI;
April 4, 1983.

K. LAKKAPPA

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the grant of a monthly relief of rupees one hundred and fifty to indigent persons. There is no precise estimate of the number of persons who will be eligible for such relief but their number will run into lakhs. It is estimated that about rupees 100 crores per year will be needed for providing relief to the persons in a helpless condition. This is a recurring expenditure and will be met out of the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Act. The delegation of legislative power is of a normal character.

BILL NO. 62 OF 1983

A Bill to provide for incentives for promoting activities of the youth for generating self-employment for them.

BE IT enacted by Parliament in the Thirty-fourth Year of the republic of India as follows:—

1. (*1*) This Act may be called the Youth Self-Employment Generation Act, 1983. short title, extent and commencement.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (*1*) **The Central Government shall give incentives for promoting activities of the youth for generating self-employment, irrespective of their caste, creed or religion.** Incentives to be provided for to youth for generating self-employment.

(*2*) The incentives shall be given to young persons who have attained the age of sixteen years and have registered themselves at employment exchanges or are students in any educational or technical training institution or are members of youth guidance bureau.

3. **Every person, as specified in sub-section () of section 2, who requires incentives for self-employment shall make an application in the prescribed form to the employment exchange where he is registered, th training institution where he is undrgoing training, the youth** Procedure to make applications.

guidance bureau of which he is a member, the district level development committee or other bodies to be established by the Government for the purpose of this Act.

Training, stipend and guidance for self-employment.

4. (*1*) Every person who makes an application as provided under section 3 shall be provided the opportunity to participate in work and production programme for a period of not less than eighteen months in an industrial establishment.

(*2*) **During the period of his training or apprenticeship as a full or part time worker, the trainee shall be paid a minimum sum of rupees one hundred fifty, rupees two hundred, rupees two hundred fifty per month (to be suitably increased from time to time according to cost of living) respectively during the first six months, next six months and the last six months.**

(*3*) During the period of training or apprenticeship, a trainee shall be provided with guidance and help to formulate schemes to establish himself as a self-employed worker after the training is over.

Administrative and financial help after training and maintenance allowance for two years to self-employed.

5. () **Every person, after the completion of his training or apprenticeship, who desires to set up his own factory or workshop shall be provided administrative and financial assistance in procuring equipment and raw materials for his undertaking and for marketing the materal produced.**

(*2*) **For initial period of two years after establishing his own workshop, a person shall be paid a maintenance allowance of rupees two hundred fifty per month to supplement his own small earnings.**

Government to purchase products of workshops of self-employed.

6. The goods produced by self-employed in their workshops shall be purchased by the Government and public sector establishments at the same rates at which they make bulk and other purchases through tenders or rate contracts.

Central Government and private enterprises to set up industrial training establishments.

7. **The Central Government shall, by itself or through public or private enterprises or through any non-profit making organisation engaged in the promotion of youth welfare, set up industrial training establishments throughout the country for carrying out the purposes of this Act.**

Power to make rules.

8. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Unemployment is a major problem our country is faced with. Every year the youth pass out from schools and colleges in lakhs adding to the number of unemployed tremendously. They are not trained for any purposeful vocation and they only look for jobs in Government and semi-Government establishments. The jobs available in these establishments are very few in number compared to the job seekers.

The answer to the problem of unemployed youth lies in vocational training and apprenticeship in industrial establishments, so that at the end of the training, the youth may start some enterprise or trade of their own and get themselves self-employed.

Hence this Bill.

NEW DELHI;
April 5, 1983.

KUSUMA KRISHNA MURTHY

FINANCIAL MEMORANDUM

Clause 2(1) of the Bill provides for incentives to the youth for generating self-employment. Clause 3 provides that application for receiving incentives shall be made to the bodies to be established by the Government. Clause 4(2) provides for payment of stipends to trainees. Clause 5(1) provides that administrative and financial help shall be given to trainees who want to set up their own factories after completion of their training. Clause 5(2) provides for payment of maintenance allowance of rupees two-hundred fifty per month to trainees for two years. Clause 7 provides for the setting up of industrial training establishments throughout the country. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees one hundred crores.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Act. These rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

BILL NO. 65 OF 1983

A Bill further to amend the Societies Registration Act, 1860.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Societies Registration (Amendment) Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of Preamble.

2. In the Preamble to the Societies Registration Act, 1860 (hereinafter referred to as the principal Act), after the words "for charitable purposes;", the words "or of non-profit making societies which are engaged in welfare and development programmes, particularly in providing self-employment to the youth;" shall be inserted. 21 of 1860.

Amendment of section 17.

3. In section 17 of the principal Act, after the words "or charitable purpose,", the words "or any non-profit making society which is engaged in welfare and development programmes, particularly in providing self-employment to the youth," shall be inserted.

4. In section 20 of the principal Act, the following words shall be inserted at the end, namely:— Amendment of section 20.

"or non-profit making societies which are engaged in welfare development programmes, particularly in providing self-employment to the youth,".

STATEMENT OF OBJECTS AND REASONS

There is no provision in the Societies Registration Act, 1860 for the registration of non-profit making societies engaged in welfare and development programmes, particularly in providing self-employment to the youth.

The concept and prevalence of non-profit making societies has become very popular in advanced countries during the last few decades.

Our country has also progressed well in scientific and industrial fields but it is facing the problem of unemployment of educated persons. A number of useful welfare activities can be taken up by non-profit making organisations, particularly in solving the problem of unemployment.

A provision for registration of non-profit making societies, engaged in activities which provide self-employment to the youth, under the Societies Registration Act, 1860 is, therefore, necessary. Such a provision will also remove the stigma of accepting charity from charitable societies by self-respecting youth who are desirous of taking up self-employment generating schemes.

Hence this Bill.

NEW DELHI;
April 5, 1983.

KUSUMA KRISHNA MURTHY

BILL NO. 63 OF 1983

A Bill to regulate and control the organising of eye-camps.

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Regulation and Control on Organising of Eye-Camps Act, 1983.

(*2*) It extends to the Union territories only.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context, otherwise requires,—

(*a*) "appointed authority" means the Collector of a District or the Commissioner of Municipal Corporation or any other official duly appointed and authorised by the Union-territory Administration to carry out the purposes of this Act;

(*b*) "doctor" means a medical practitioner duly qualified and registered under the Indian Medical Council Act, 1957 or any other enactment in this regard belonging to any of the accepted systems of

102 of 1956.

Indian Medicines and treatment by the Government like Allopathy, Ayurveda, Homoeopathy, Unani, Yoga, etc.;

(c) "eye-camp" means a camp, whether in a building, enclosure, shamiana or tents in the open ground, where the public are voluntarily invited for the treatment or operation or medication of any eye disorder, defect, disease, etc. by the person mentioned in clause (e);

(d) "payment" means a donation, fee, contribution, charity, charges, expenses, cost of boarding or lodging, gratification given in cash or kind;

(e) "person" means an individual, a body, an organisation, a group, a club, an institution, an association or a society.

Permission to be sought for setting up of eye-camp.

3. Any person who proposes to organise an eye-camp shall apply in writing for permission to organise the eye-camp sixty days before the eye-camp is proposed to be set up to the appointed authority giving the following details, namely:—

(a) the exact location of the place of the eye-camp;

(b) the dates, timings and duration of the eye-camp;

(c) list of doctors and para-medical personnel with their qualifications conducting the medical treatment, examinations, operations and post operation medical care of the patients;

(d) whether the eye-camp is totally free or any payment is to be recovered from the patients, if so, how much;

(e) the name of the organisation, society, institution, body or individual under whose auspices the eye-camp is being organised, with past experience, if any; and

(f) other relevant details of the camp.

Verification of particulars of application.

4. The appointed authority shall verify the details given in the application of the person and shall send one copy of the said application to the Chief District Health Officer within seven days of receiving such an application for his opinion and sanction.

Intimation regarding sanction or rejection of application.

5. The appointed authority shall within thirty days of the application, intimate to the organising person its sanction:

Provided that if the District health authority objects to the list of doctor/doctors or the para-medical staff of the eye-camp or to the method of treatment in the eye-camp or on any other ground, in that case the appointed authority shall reject the application.

Appointed authority to communicate grounds for rejection of application.

6. The appointed authority shall intimate to the person his findings and objections to the holding of the eye-camp within five weeks from the date of receipt of the application giving his reasons or suggestions.

Right to appeal against the order.

7. The person organising the eye-camp shall have the right to tender his explanation and to appeal against the order giving his reasoning on the objections raised by the appointed authority within fifteen days of the rejection of the application.

Sanction to be presumed if no reply received within sixty days.

8. If the person holding the eye-camp does not receive any communication from the appointed authority within sixty days of his application it shall be presumed that the appointed authority has no objection to the holding of the eye-camp.

Filing of return by the organiser of the eye-camp.

9. The person organising the eye-camp shall within forty-five days from the last date of the eye-camp shall file a return with the appointed authority giving details of the patients, the treatment given and the results of the operations and after care.

Submission of accounts to the apointed authority.

10. Where the person holding the eye-camp charges any payment from the patients, he shall give the complete account of the payments received and the expenditure incurred on the eye-camp to the appointed authority.

Punishment for violating the provisions of the Act.

11. Any violation of the provisions of this Act or the rules and regulation made under section 12 by the person holding the camp shall be punishable with a fine of rupees two thousand or with imprisonment for three months or with both by the District Magistrate in whose jurisdiction the eye-camp is organised.

Power to make rules and regulations.

12. The appointed authority shall have the powers to make rules and regulations for the conduct, control, organising and other procedures to be adopted for holding an eye-camp as well as for receiving complaints, evidence and measures to maintain safety, security, welfare and well-being of the patients treated in the eye-camps.

Appointed authority to submit report.

13. The appointed authority shall make a comprehensive report on the eye-camp held in its jurisdiction, giving necessary details and the results thereof, to the Union-territory Administration within sixty days of the completion of the eye-camp.

STATEMENT OF OBJECTS AND REASONS

During the last few years several benevolent institutions, clubs, like Rotary and Lions, charitable institutions, welfare bodies, medical associations, industrialists and even individuals have been organising eye-camps or health camps for the benefit of the poor in the rural areas. In the big cities when such eye-camps are organised the medical personnel are qualified and experienced. But in the rural areas when such eye-camps are organised several instances have come to light when the persons performing eye treatment and operations are not sufficiently experienced or qualified but are quacks and anti-social elements. Due to this, serveral people hoping to cure their eye-sight have turned blind, lost their eye-sights and damaged their eye-balls. Although this benevolent and charitable activity on the part of majority of the institutions or individuals organising the eye-camps is praise-worthy, yet it is also the duty of the Government to check and control organising of such eye-camps by unauthorised, inexperienced persons which do more damage than good. Besides, it is also necessary to see that after medical care, paramedical staff and other arrangements are adequate in the larger interest and welfare of the rural people suffering from eye disorders. In some instances, quacks who organise such camps, took money from the poor people, damaged their eyes and got away scot-free.

Hence, it is necessary to control and supervise the organising of eye-camps and testify to the persons performing the eye-operations and treatment. This Bill will not come in the way of anybody with bonafide intention to serve the poor in the rural areas and at the same time check mal-practices and undue advantage being taken by so-called Doctors and unqualified persons.

Hence this Bill.

NEW DELHI;
March 23, 1983.

VASANT KUMAR PANDIT

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the appointed authority to make rules and regulations for carrying out the purposes of the Act. The rules and regulations will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL No. 53 OF 1983

A Bill to provide representation in Parliament to Indian nationals residing abroad.

WHEREAS every citizen of India has a right to participate in the governance of the country;

WHEREAS elections to Parliament are held on the basis of adult sufferage;

WHEREAS a large number of Indian nationals who ordinarily reside abroad are keen to participate in the parliamentary elections to be held from time to time in India; and

WHEREAS it is in the national interest to profit by their experience and ideas and to take notice of their problems and interests;

BE it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Indian Nationals Abroad (Representation in Parliament) Act, 1983.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Right to Vote to Indian nationals abroad.

2. Notwithstanding anything contained in any other law for the time being in force, there shall be formed, for the purposes of elections to the House of the People, one or more parliamentary constituencies of all citizens of India residing abroad, in a manner that each constituency covers a geographically contiguous area and has a comparable number of citizens of India residing therein as in an average Parliamentary constituency in India.

Diplomatic and Consular Officer to assist Election Commission and to work as Electoral Officer.

3 The Head of Diplomatic Misssion and Consular Officer of the Government of India in the foreign country shall be designated as an Electoral Officer for the purpose of conducting an election and shall assist the Election Commission in conducting the election.

Election Commission to prepare Electoral rolls of Indian nationals abroad.

4. The Election Commission shall prepare separate electoral rolls of Indian nationals residing abroad for each constituency referred to in section 2.

Power to make rules.

5. (1) The Central Government shall make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(a) the manner of preparation of electoral rolls of Indian nationals residing abroad country-wise;

(b) the location of polling booths and appointment of polling officers;

(c) the delivery of ballot papers to the Electoral Officers and to the Polling Officers;

(d) the transmission of used ballot papers;

(e) the counting of votes cast; and

(f) the manner of transmission of result of count to the Election Commission.

(3) The rules so framed shall come into force with immediate effect and shall be laid on the Table of each House of Parliament and if any rule is disapproved or modified by Parliament within forty days of its being so laid, it shall cease to be in force, or shall remain in force with such modification as the case may be.

STATEMENT OF OBJECTS AND REASONS

Over the years a large body of Indian nationals have come to reside ordinarily in foreign countries. They continue to take keen interest in the affairs of their country, but are unable to exercise their franchise because there is no machinery in existence to enable them to register themselves as voters or to vote in the elections.

For various reasons it is considered impracticable for Indian nationals residing abroad to be registered as voters at their permanent residences in India and even if a citizen is registered, it is impracticable for him to receive the ballot paper and to cast his vote in his home constituency.

Keeping in view this difficulty, a new approach to the problem is proposed in this Bill. The Indian nationals residing abroad should form one or more parliamentary constituencies comparable in the number of voters to an average constituency in India. They could then be represented in Parliament as representatives of Indian nationals residing abroad. This would have the added advantage that these representatives would focus attention on the problems and reflect aspirations of the Indian community they represent and bring to bear on national affairs the views of their constituents and their experience. It may be added that under this scheme there could be a separate time schedule for these overseas constituencies, in case it is difficult to hold them exactly at the same time as parliamentary elections in India.

This Bill shall remove a genuine grievance of Indian nationals residing abroad and strengthen their emotional bond with their country of origin.

Hence this Bill.

NEW DELHI:
March 23, 1983.

SUBRAMANIAM SWAMY.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Election Commission shall prepare separate electoral rolls of Indian nationals residing abroad. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three crores per annum.

It is also likely to involve a non-recurring expenditure of about rupees three lakhs.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Act. These rules will relate to matters of detail only. The delegation of legislative power is of a normal character.

AVTAR SINGH RIKHY,
Secretary.

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